

**YAKAMA NATION
DEPARTMENT OF NATURAL RESOURCES
FISHERIES SUPERFUND SECTION**

PORTLAND HARBOR SUPERFUND GRANT PROPOSAL

PROJECT NAME: PORTLAND HARBOR SUPERFUND SITE, OREGON

TIMELINE: MARCH 1, 2016 TO DECEMBER 31, 2018

BUDGET: \$176,000.00

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The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law is used to clean up abandoned or uncontrolled hazardous waste sites. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites and provided for liability of persons responsible for releases of hazardous waste at these sites. The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response.
- Long-term remedial response actions, that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priority List (NPL). The NPL is a list of national priority sites with known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories.

CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986. SARA amended CERCLA on October 17, 1986. SARA reflected EPA's experience in administering the complex Superfund program during its first six years and made several important changes and additions to the program. SARA:

- stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites;
- required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- provided new enforcement authorities and settlement tools;
- encouraged trustees to actively pursue natural resources damages;
- acknowledged Indian tribes as authorized trustees and allowed for tribal involvement in every phase of the Superfund program; and
- increase the focus on human health problems posed by hazardous waste sites.

SARA also required EPA to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites that may be placed on the NPL.

The Yakama Nation is leveraging CERCLA, other federal statutes, and court decisions to cleanup and restore the Columbia River and its tributaries. The Yakama Nation is a natural resource trustee and has a sovereign responsibility to safeguard the health and welfare of its enrolled members. That responsibility includes the protection of its members from exposure to hazardous substances in the food chain, and through direct contact during treaty resource harvest activities. The tribe also has a sovereign responsibility and authority as a natural resource trustee to restore, rehabilitate, and/or replace natural resources that have been lost or injured by releases of hazardous substances from facilities, including state-led cleanup facilities.

PORTLAND HARBOR SUPERFUND SITE

The Yakama Nation's interests, both on the Reservation and surrounding areas, are protected by the Treaty of 1855 (12 Stat. 951); federal law; and policies governing government-to-government collaboration and consultation. The Yakama Nation has witness the desecration of the Columbia River and its watershed; flooded by dams, polluted by industry, modified by development, and dredged for shipping. In this era of degradation, the Yakama Nation fought from local courts to the U.S. Supreme Court, to protect their treaty rights and to save the salmon from extinction.

The Yakama Nation interests within the Columbia River Basin, including reserved lands and rights covering over twenty million acres throughout its traditional homeland, now in the states of Washington and Oregon. Those interests include protecting and preserving the fisheries resource, and other natural resources, on which its citizens currently and traditionally rely.

The oral history of the Yakamas tells of the sacrifices provided by the salmon who unselfishly gave of itself for the physical and spiritual sustenance of human beings. In return for these sacrifices the Yakamas have an obligation to protect, honor, and give thanks to the salmon.

Outside forces have reduced salmon numbers and created a polluted and life-threatening environment for fish and wildlife to live. For decades, Yakamas have fought to protect salmon and fish habitat. Today and into the future, Yakamas will continue honoring our obligation. Cleanup and restoration of contaminated sites in the Columbia River Basin is important for sustaining the cultural practices of Yakama Nation's members.

For the Portland Harbor Superfund Site (Site), the Yakama Nation committed to an assessment process that ensured the remedial investigation and feasibility study (RI/FS) identifies, investigates and analyzes appropriate issues. The Yakama Nation is providing involvement and oversight of the RI/FS process with an objective of working together in good faith collaboration. The Yakama Nation will continue to work cooperatively with all federal, state and tribal partners, as well as, with the responsible parties who are committed to a cooperative response and restoration approach. Yakama Nation's commitment to the Portland Harbor Superfund Site process continues onto the proposed plan development phase as well as all phases of the project until the site has been successfully cleaned up, restored, and delisted from the NPL.

BUDGET

The work associated with the preparation of the Proposed Plan and Record of Decision falls outside the Scope of Work that is detailed in the Administrative Order on Consent between EPA and the Lower Willamette Group (LWG). Therefore, LWG's position is that they are not required by the AOC to provide funding for response activities after the submittal of the RI/FS. EPA has committed to maintain tribal involvement with Site activities and has agreed to fund Yakama Nation's participation in the development and response to the proposed plan for the Site.

The budget of \$176,000 (as detailed in Table 1) is for non-LWG funded activities from March 1, 2016 to December 31, 2016. The submittal and subsequent approval of the grant proposal will occur after the commencement of project related activities; therefore, Yakama Nation Fisheries is separating and allocating costs to the appropriate funding source based on agreed activities. All tasks related to the Portland Harbor RI/FS are applied to the funding provided by the LWG and activities associated with the development and response to the Portland Harbor proposed plan is allocated to the funding provided EPA's cooperative agreement.

After discussing and agreeing upon proposed tasks and budget with EPA, the Yakama Nation will reapply for any supplemental funding needed after December 31, 2016.

Table 1. Budget

FEDERAL CLASS CATEGORIES	TOTAL
a. Personnel	\$53,606.50
b. Fringe Benefits 29.07%	\$15,583.40
c. Travel	\$4,000.00
d. Equipment	\$0.00
e. Supplies	\$4,050.00
f. Contractual	\$66,500.00
g. Construction	\$0.00
h. Other	\$5,400.00
i. Total Direct Charges	\$149,139.90
j. Indirect Charges 18.01%	\$26,860.10
TOTALS	\$176,000.00

2800 per revised SF424A 3/16/16 (KAT)
 3200 per revised SF424A 3/16/16 (KAT)
 7450 per revised SF424A 3/16/16 (KAT)

Personnel - Category includes staff hours for 4 individuals.

Fringe benefits - Category includes benefits above and beyond hourly rates (ex. medical, dental, vision, and life insurance, retirement, etc.).

Travel - Category includes staff travel to and from meetings, assumed to occur in Portland and Seattle

Supplies - Category includes standard office supplies, based on supply costs for previous years.

Contractual - Category includes legal consultation, technical support and communications/public relations support.

Other - Category includes GSA vehicle costs, office rental, and general office equipment leases.

Indirect charges - Category includes administrative overhead at a rate of 18.01% applied to total direct charges.

WORK PLAN ACTIVITIES

Detailed Scope of Work, deliverables and budget information.

Table 2. Work Plan Tasks and Activities

TASKS	Estimated Budget	Anticipated Outputs/deliverables	Due Date
TASK 1: Administrative (\$10,700)			
Quarterly Reports	\$ 4,200	Will deliver the first 3 quarterly reports within 30 days after the end of each quarter and complete drawdowns after the report has been delivered.	4/30/16 7/31/16 10/31/16
Final Report	\$ 6,500	A final report will take the place of the 4 th quarterly report. Will deliver within 90 days after the end of 4 th quarter. Final drawdown	3/31/17

TASKS	Estimated Budget	Anticipated Outputs/deliverables	Due Date
		will occur after the report has been delivered.	
TASK 2: Programmatic (\$165,300)			
Agency and stakeholder engagement (\$100,300)	\$24,500	• Collaboration and information sharing about cleanup with stakeholder organizations	ongoing
	\$53,000	• Community outreach and campaign for developing consensus	ongoing
	\$5,000	• Information sharing around ESA consultations and mitigation requirements with natural resource agencies (FWS, NOAA, etc.)	4/31/16
	\$10,300	• Participate in EPA/DEQ Technical Coordination Team meetings (monthly)	monthly
	\$7,500	• Conduct YNF's team meeting with attorneys and project contractors (quarterly)	quarterly
Proposed Plan (\$65,000)	\$38,000	• Review EPA Proposed Plan for Cleanup (assume 3/31/16 release)	4/31/16
	\$7,000	• Develop list of concerns and comments to discuss with EPA	4/31/16
		• Meet with EPA to gain understanding and discuss proposed plan	4/31/16
	\$5,000	• Develop and present information related to the Proposed Plan to Committee and Tribal Council	5/10/16
		• Follow up on direction given to staff by Committee and Tribal Council	5/31/16
	\$10,000	• Develop and submit comments and suggestions to EPA during the (assume 60-day) comment period	5/31/16
	\$5,000	• Conduct YNF's team meeting with attorneys and project contractors (quarterly)	quarterly

The work elements outlined in Table 2 are being submitted to EPA for funding; as agreed upon during meetings with EPA regarding the need to ensure adequate funding for Yakama Nation's participation.

OTHER ACTIVITIES

The YNF is working to fulfill Yakama Tribal Council's directive to cleanup and restore the Columbia River, including the Portland Harbor Superfund Site. The following activities are also being conducted for the Portland Harbor Site during fiscal year 2016. These activities are expected to be funded by the LWG and are outlined within this grant proposal to provide EPA with an understanding of Yakama Nation's broader activities at the Site.

NRRB/CSTAG

- Review EPA NRRB Presentation Materials, NRRB/CSTAG Recommendations, Region 10 Response
- Document highlights, recommendations, and concerns regarding Alternatives, NRRB recommendations, EPA proposal for cleanup

RI/FS

- Receive Final Remedial Investigation (January 2016)
- Review Final Feasibility Study (FS) and discuss questions and concerns with EPA (assume March 31, 2016 FS release)

Government to Government

- Prepare and deliver presentation to Tribal Council (May 2016)
- Follow-up on direction given to staff by Tribal Council
- Coordinate Government to Government meeting with EPA (February)
- Develop response to EPA's proposal based on YNF objectives for Site
- Plan and arrange meeting with EPA Administrator
- Government to Government meeting with EPA Administrator regarding proposed plan and ROD

DEQ Source Control, Groundwater, and CWA Actions

- Review and comment on OR DEQ Revised 2016 Source Control Status Report (assume March 31, 2016 report release)
- Review and comment on groundwater and surface water discharge activities
- Engage EPA on details related to assurances regarding upland source control decisions

Project Management

- Project management, administration and reporting
- Prepare for and conduct regular budget check-in meeting with LWG
- Conduct coordination meetings with YNF team, attorneys, consultants
- Develop cost documentation reports for submittal to LWG